

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

ERVIN EDMOND HAGAN,

Plaintiff,

vs.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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Civil Action No. 9:19-2591-BHH

ORDER

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On October 28, 2019, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Plaintiff's application to proceed without prepayment of fees or costs, (ECF No. 4), be denied, (ECF No. 12). Attached to the Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

Objections to the Report were due by November 12, 2019, and none have been filed. In the absence of objections to the Magistrate Judge's Report and Recommendation, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Indeed, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee's note).

Here, because Plaintiff filed no objection, the Court has reviewed the Magistrate Judge's findings and recommendation for clear error. Finding none, the Court agrees with the Magistrate Judge and denies Plaintiff's application to proceed without prepayment of fees.

Accordingly, the Report and Recommendation (ECF No. 12) is adopted and incorporated herein by reference, and Plaintiff's application (ECF No. 4) is DENIED. This matter is remanded to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
Bruce Howe Hendricks
United States District Judge

November 18, 2019
Charleston, South Carolina